

## Message Text

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17

ORIGIN L-02

INFO OCT-01 AF-06 EUR-12 IO-10 ISO-00 NEA-09 JUSE-00 SCA-01

SCS-03 /044 R

DRAFTED BY L/AF:JAROHWER:MMP

APPROVED BY L/AF:JAROHWER

AF/C:JHALL

L/NEA:BKHUFFMAN

L/M:HFSHAMWELL

----- 036682

R 242039Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY YAOUNDE

INFO AMEMBASSY MADRID

USMISSION USUN NEW YORK

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E.O. 11652: N/A

TAGS: PFOR, CPRS, GIT, EK (ALLOTEY)

SUBJECT: ALLOTEY CASE

REF: YAOUNDE 691

1. THIS IS IN ANSWER TO YOUR REQUEST, PARA 3 REFTEL.  
YOU MAY DRAW ON IT IN RESPONDING TO GOEG ASSERTIONS THAT  
USG IS LIABLE FOR THE ALLOTEYS' DEBTS BECAUSE OF THE  
"GUARANTEE" OF PAYMENT WHICH THE USG IS SUPPOSED TO HAVE  
GIVEN IN ITS DIPLOMATIC NOTE OF NOVEMBER 27, 1970.

2. THE POSITION OF THE USG IS THAT THE STATEMENT IN THE  
NOTE DID NOT CONSTITUTE A GUARANTEE BECAUSE (A) IN THE  
PHRASE, "WE AGREE TO 100 PERCENT PAYMENT AFTER PASSAGE,"  
THE "WE" REFERS TO STEPHEN & CO., NOT TO THE COMMERCE  
DEPARTMENT, THE USG, OR THE BANKS; (B) THE CIRCUMSTANCES OF  
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THE STATEMENT, PARTICULARLY ITS BREVITY AND INFORMALITY,

AND THE FACT THAT IT WAS THE ONLY MENTION EVER MADE OF USG PARTICIPATION, SHOULD HAVE INDICATED TO THE GOEG THAT IT WAS NOT AN OFFER OF GUARANTEE ON THE PART OF THE USG BUT RATHER A TRANSMITTAL MESSAGE RELATING TO A STATEMENT BY A REAL PARTY IN INTEREST. FOR THIS REASON THERE WAS NO BASIS FOR THE GOEG TO RELY ON IT AS A USG GUARANTEE OF ANY SORT. (C) NEITHER THE COMMERCE DEPARTMENT, WHICH

SENT THE QUOTED TELEGRAM, NOR CHARGE WILLIAMS, WHO SIGNED THE NOTE, HAD AUTHORITY TO GUARANTEE ANY TRANSACTION.

3. F.Y.I.: IN OUR OPINION, CHARGE WILLIAMS IS NOT PERSONALLY LIABLE FOR ANY DAMAGES RESULTING FROM THE MISTAKEN PHRASING OF THE CABLE QUOTED IN THE NOTE DISPATCHED OVER HIS SIGNATURE. END F.Y.I. KISSINGER

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** EXTRADITION, TRIALS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 24 APR 1975  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** SmithRJ  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE094884  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** JAROHWER:MMP  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750145-0499  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1975/newtext/t19750419/aaaaaryx.tel  
**Line Count:** 76  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN L  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 YAOUNDE 691  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** SmithRJ  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 17 JUN 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <17 JUN 2003 by SmithRJ>; APPROVED <27 OCT 2003 by SmithRJ>  
**Review Markings:**

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Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

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**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** ALLOTEY CASE  
**TAGS:** PFOR, CPRS, EK, (ALLOTEY)  
**To:** YAOUNDE  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006